



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

CONCEALED PROPERTY—FINDER'S RIGHTS—TREASURE TROVE.—The plaintiff, while in possession of defendant's farm as lessee thereof, found, buried in the ground, a quantity of gold-bearing quartz evidently placed there by some human agency. In an action of trover for the unlawful detention of a part thereof, *Held*, that the quartz so found was not lost or abandoned property; but, being beneath the surface of the ground, it had become a part of the land and belonged to the owner thereof. *Ferguson v. Ray* (1904), — Ore. —, 77 Pac. Rep. 600.

It is not always easy to determine the rights of a finder. Thus it has been held, that one who finds bank notes among rags which she is sorting, is entitled to their possession against the owner of the rags. *Bowen v. Sullivan*, 62 Ind. 281, 30 Am. Rep. 172; while an aerolite, it is determined, belongs to the person on whose land it falls, and not to the one who first discovers it. *Goddard v. Winchell*, 86 Iowa 71, 17 L. R. A. 788. Although the present case decided merely the right of possession as between the finder and the owner of the land whereon the property was found, the court discussed at length the law relating to treasure trove, and reached the conclusion that the state could not claim the property under consideration. See further in this connection 2 MICHIGAN LAW REVIEW 299, 495.

CONSTITUTIONAL LAW—EMINENT DOMAIN—TAKING PRIVATE PROPERTY FOR PRIVATE USE.—Action by plaintiff to enjoin the condemnation of his property under an act of the Legislature providing that any landowner, having no access to the highway, may, upon petitioning the Board of Commissioners of the county and by complying with certain requirements, have a lane opened through the intermediate lands to the highway. *Held*, that such statute was unconstitutional and void as providing for the taking of private property for private use. *Clark v. Board of Commissioners of Mitchell County* (1904), — Kan. —, 77 Pac. Rep. 284.

It is very often difficult to determine what is a private use and the decisions of the courts, passing upon the constitutionality of statutes similar to this, are by no means uniform. To obviate this difficulty some states have provided by their constitutions that private property may be condemned for that purpose. For example, Colorado, Art. 2, Sec. 14; Missouri, Art. 2, Sec. 20; Washington, Art. 1, Sec. 16; Wyoming, Art. 1, Sec. 32. The following states hold in accord with this decision: Illinois, (40 Ill. 175); Indiana, (123 Ind. 372); Missouri, (73 Mo. 651); Nebraska, (38 Neb. 767); New York, (6 Hill 47); Oregon, (4 Oregon 318); Tennessee, (2 Swan 540); Wisconsin (24 Wis. 89); West Virginia, (21 W. Va. 534). The following states uphold the constitutionality of such statutes on the ground that the opening of private roads is beneficial to the public: Alabama, (83 Ala. 204 overruling 34 Ala. 311); Arkansas, (15 Ark. 43); California, (64 Cal. 110); Connecticut, (15 Conn. 83); Delaware, (4 Harr. 580); Idaho, (2 Id. 1118); Kentucky, (4 Met. 337); Maine, (73 Me. 56); Massachusetts, (108 Mass. 202); New Hampshire, (36 N. H. 404); New Jersey, (29 N. J. L. 226); North Carolina, (107 N. C. 64); Georgia, (71 Ga. 250); Pennsylvania, (112 Pa. St. 183); Iowa, (63 Ia. 28).